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TESLA, INC. dba TESLA MOTORS, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

**DEMETRIC DI-AZ, OWEN DIAZ, and
LAMAR PATTERSON,**

Plaintiffs,

v.

**TESLA, INC. dba TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST
VALLEY STAFFING GROUP;**

Case No. 3:17-cv-06748-WHO

**JOINT STIPULATION TO CONTINUE
THE PRE-TRIAL CONFERENCE AND
TRIAL; [~~PROPOSED~~] ORDER**

Pre-trial Conference: April 20, 2020

Time: 2:00 p.m.

Courtroom: 2, 17th Floor

SMRH:4843-4171-9481.1

Case No. 3:17-cv-06748-WHO

JOINT STIPULATION TO CONTINUE
THE PRE-TRIAL CONFERENCE AND TRIAL; [~~PROPOSED~~] ORDER

CHARTWELL STAFFING SERVICES, INC.;
and DOES 1-50, inclusive,
Defendants.

Judge: Hon. William H. Orrick

Trial Date: May 11, 2020

Complaint filed: October 16, 2017

**TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF
RECORD:**

Pursuant to Civil Local Rule 6.2, Plaintiffs Owen Diaz and Demetric Di-az (“Plaintiffs”), and Defendant Tesla, Inc. (“Defendant”) (collectively, the “Parties”), by and through their attorneys of record, hereby submit this Joint Stipulation to Continue the Pre-Trial Conference date and Trial date. Good cause exists given the unforeseen and difficult circumstances resulting from the Coronavirus Disease 2019 (“COVID-19”) pandemic. As such, the parties request that the Court: (1) extend the Pre-Trial Conference from April 20, 2020 to May 11, 2020, or as soon thereafter as the Court is available, and; (2) continue the Trial date from May 11, 2020 to June 8, 2020, or as soon thereafter as the Court is available. Accordingly, the Parties stipulate as follows:

WHEREAS, on October 16, 2017, Plaintiffs filed their Complaint in state court;

WHEREAS, on November 22, 2017, Tesla removed Plaintiffs’ Complaint to the United States District Court for the Northern District of California;

WHEREAS, on December 20, 2018, Plaintiffs were granted leave to amend their complaint to add a defendant, NextSource Inc., and on December 26, 2018, Plaintiffs filed their Amended Complaint adding NextSource, Inc.;

WHEREAS, on June 18, 2019, the parties sought one trial continuance from November 19, 2019 to March 2, 2020 to allow NextSource Inc., to adequately prepare for trial;

WHEREAS, this Court continued the trial date from March 2, 2020 to May 11, 2020, due to a criminal trial taking priority;

WHEREAS, other than the continuances related to the newly named defendant NextSource and a criminal trial on this Court’s docket, there have been no other continuances;

1 **WHEREAS**, on December 27, 2019, the Court issued an Amended Pre-trial Order
2 setting a Pre-Trial Conference for April 20, 2020 at 2 p.m., and trial for May 11, 2020 at 2 p.m.;

3 **WHEREAS**, good cause exists given unforeseen and difficult circumstances resulting
4 from the Coronavirus Disease 2019 (“COVID-19”) pandemic, including but not limited to: state-
5 wide Shelter In Place Orders, court closures, and witness unavailability; and,

6 **WHEREAS**, the parties share graves concerns as to the availability of witnesses, the
7 uneasiness and willingness of jurors to appear and meaningfully participate in the jury process,
8 depending on the status of the “stay at home” order which spans the entire State of California.

9 **NOW THEREFORE**, it is hereby stipulated by and between Plaintiffs and Defendant,
10 that:

11 (1) The Pre-Trial Conference be continued to May 11, 2020 at 2 p.m. or as soon
12 thereafter as the Court is available.

13 (2) Trial be continued to June 8, 2020 at 8:30 a.m., or as soon thereafter as the Court
14 is available.

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16 **IT IS SO STIPULATED.**

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19 CALIFORNIA CIVIL RIGHTS LAW GROUP

20 **ALEXANDER KRAKOW + GLICK LLP**

21 DATED: April 1, 2020

22 By: /s/ J. Bernard Alexander

23 Lawrence A. Organ, Esq.

24 Navruz Organ, Esq.

25 Cimone A. Nunley, Esq.

26 J. Bernard Alexander, Esq.

27 Attorneys for Plaintiffs

28 DEMETRIC DI-AZ AND OWEN DIAZ

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

DATED: April 1, 2020

By /s/ Tracey A. Kennedy

TRACEY A. KENNEDY

PATRICIA M. JENG

Attorneys for Defendant

TESLA, INC. dba TESLA MOTORS, INC.

[PROPOSED] ORDER

I want to convey two thoughts to the parties before granting this stipulation. First, I am hoping to rule on any motions in limine at the earliest time in the event that they will raise significant issues that might affect your evaluation of the case. I want there to be sufficient time between those rulings and trial so that you can have a further settlement conference with Judge Illman to be sure that both sides recognize the risks of trial. I am assuming that the parties need a continuance of the pretrial conference to complete their obligations in light of the COVID-19 pandemic, and will grant it, but the sooner I get the motions fully briefed, the better. Second, I have two criminal jury trials (*US v. Ortino*, starting June 8 and *US v Laverty*, starting on July 8) that will take precedence over this case. I believe that I can try this case in between the two criminal cases *if* we are able to commence jury trials by June. So I will set this case for jury trial on June 8, 2020, but please recognize that it will trail *US v. Ortino*.

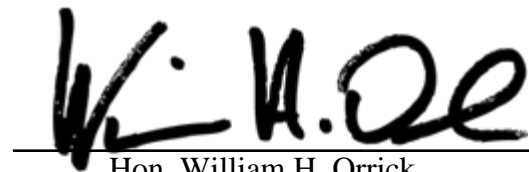
That said, and based upon the Parties' Stipulation, with good cause having been shown,
IT IS HEREBY ORDERED THAT:

(1) The Pre-Trial Conference is continued to May 11, 2020 at 2 p.m. or as soon thereafter as the Court is available.

(2) Trial is continued to June 8, 2020 at 8:30 a.m., or as soon thereafter as the Court is available.

IT IS SO ORDERED.

Dated: April 1, 2020



Hon. William H. Orrick

PROOF OF SERVICE

**Demetric Di-Az, Owen Diaz, And Lamar Patterson v. Tesla, Inc.
dba Tesla Motors, Inc., et al.
USDC Case No. 3:17-cv-06748-WHO**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action.** I am employed in the County of Los Angeles, State of California. My business address is 333 South Hope Street, 43rd Floor, Los Angeles, CA 90071-1422.

On April 1, 2020, I served true copies of the following document(s) described as **JOINT STIPULATION TO CONTINUE THE PRE-TRIAL CONFERENCE AND TRIAL; [PROPOSED] ORDER** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

☐ **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred.

☒ **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on April 1, 2020, at Los Angeles, California.

/s/ Susie Navarro

Susie Navarro

SERVICE LIST

**Demetric Di-Az, Owen Diaz, And Lamar Patterson v. Tesla, Inc.
dba Tesla Motors, Inc., et al.**

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